

United States District Court
Central District of California

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UNITED STATES OF AMERICA vs

ENTERED

EDCR 04-27 VAP

Defendant THOMAS POWELLSocial Security No 555-91-5383True Name Powell, Thomas Michaelakas Powell, Thomas Micheal,Residence San Bernardino - Central Detention CenterAddress 630 East RialtoSan Bernardino, CA 92408

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA OFFICE

BY [Signature] DEPUTY

Same

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date

MONTH	DAY	YEAR
10	04	2004

COUNSEL

☒ WITH COUNSELRene Kahn

(Name of Counsel)

PLEA

☒ GUILTY, and the court being satisfied that there is a factual basis for the plea☐

NOLO
CONTENDERE

☐

NOT
GUILTY

FINDING

There being a finding/verdict of ☒ GUILTY, defendant has been convicted as charged of the offense(s) of 18 USC 922 (g)(1) Felon in Possession of Firearm and Ammunition (Single-Count Indictment)

JUDGMENT
AND PROB/
COMM
ORDER

The Court asked whether defendant had anything to say why judgment should not be pronounced and the defendant addressed the Court. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted. The Court adopted the pre-sentence report and ordered that

SPECIAL
ASSESSMENT

The defendant shall pay to the United States a special assessment of \$100, which is due immediately

FINE

Pursuant to Section 5E1 2(e) of the Guidelines, all fines are waived as it is found that the defendant does not have the ability to pay a fine

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Thomas Powell, is hereby committed on Single-Count Indictment to the custody of the Bureau of Prisons to be imprisoned for a term of 30 months

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years under the following terms and conditions

1 The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to 1 drug test within 15 days of release from imprisonment and at least 2 periodic drug tests thereafter, as directed by the Probation Officer,

2 The defendant shall participate in outpatient substance abuse treatment and submit to drug and alcohol testing, as instructed by the Probation Officer. The defendant shall abstain from using illicit drugs, abusing alcohol, and abusing prescription medications during the period of supervision,

3 During the course of supervision, the Probation Officer, with the agreement of the

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OCT - 7 2004

USA vs THOMAS POWELL

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defendant and defense counsel, may place the defendant in a residential drug treatment program approved by the United States Probation Office for treatment of narcotic addiction or drug dependency, which may include counseling and testing, to determine if the defendant has reverted to the use of drugs, and the defendant shall reside in the treatment program until discharged by the Program Director and Probation Officer,

- 4 As directed by the Probation Officer, the defendant shall pay all or part of the costs for defendant's drug treatment to the aftercare contractor during the period of community supervision, pursuant to 18 USC 3672 The defendant shall provide payment and proof of payment as directed by the Probation Officer

•The Court RECOMMENDS a BOP facility in the Upstate New York region or the State of Vermont

•The Court RECOMMENDS participation in the 500 hour drug program

DEFENDANT INFORMED OF RIGHT TO APPEAL

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period

☐ This is a direct commitment to the Bureau of Prisons, and the Court has NO OBJECTION should the Bureau of Prisons designate defendant to a Community Corrections Center

October 4, 2004

Date

Virginia A. Pinkney
U.S. District Judge

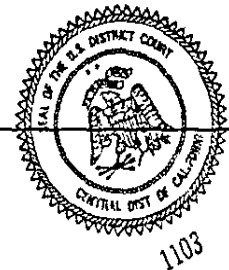
It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U S Marshal or other qualified officer

Sherr R Carter, Clerk

Oct 4, 2004
Filed Date

By

[Signature]
Deputy Clerk



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The defendant shall comply with the standard conditions that have been adopted by this court (set forth below) The defendant shall comply with the additional conditions on the attached page(s) pursuant to General Orders 318 and 01-05

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U S C §3612(f)(1) Payments may be subject to penalties for default and delinquency pursuant to 18 U S C §3612(g) Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office 18 U S C §3613

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full 18 U S C §3612(b)(1)(F)

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U S C §3664(k) The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U S C §3664(k) See also 18 U S C §3572(d)(3) and for probation 18 U S C §3563(a)(7)

Payments shall be applied in the following order

- 1 Special assessments pursuant to 18 U S C §3013,
- 2 Restitution, in this sequence
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim,
- 3 Fine,
- 4 Community restitution, pursuant to 18 U S C §3663(c), and
- 5 Other penalties and costs

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer (1) a signed release authorizing credit report inquiries, (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer

The defendant shall maintain one personal checking account All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full

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STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment

1 The defendant shall not commit another Federal, state or local
 1 crime,
 1 the defendant shall not leave the judicial district without the
 written permission of the court or probation officer,
 2 the defendant shall report to the probation officer as directed by
 the court or probation officer and shall submit a truthful and
 complete written report within the first five days of each month,
 3 the defendant shall answer truthfully all inquiries by the
 probation officer and follow the instructions of the probation
 officer,
 4 the defendant shall support his or her dependants and meet
 other family responsibilities,
 5 the defendant shall work regularly at a lawful occupation unless
 excused by the probation officer for schooling, training, or other
 acceptable reasons,
 6 the defendant shall notify the probation officer within 72 hours
 of any change in residence or employment,
 7 the defendant shall refrain from excessive use of alcohol and
 shall not purchase, possess, use, distribute, or administer any
 narcotic or other controlled substance, or any paraphernalia
 related to such substances, except as prescribed by a
 physician,
 8 the defendant shall not frequent places where controlled
 substances are illegally sold, used, distributed or administered,

9 the defendant shall not associate with any persons engaged in
 criminal activity, and shall not associate with any person
 convicted of a felony unless granted permission to do so by the
 probation officer,
 10 the defendant shall permit a probation officer to visit him or her
 at any time at home or elsewhere and shall permit confiscation
 of any contraband observed in plain view by the probation
 officer,
 11 the defendant shall notify the probation officer within 72 hours
 of being arrested or questioned by a law enforcement officer,
 12 the defendant shall not enter into any agreement to act as an
 informer or a special agent of a law enforcement agency
 without the permission of the court,
 13 as directed by the probation officer, the defendant shall notify
 third parties of risks that may be occasioned by the defendant's
 criminal record or personal history or characteristics, and shall
 permit the probation officer to make such notifications and to
 conform the defendant's compliance with such notification
 requirement,
 14 the defendant shall not possess a firearm or other dangerous
 weapon,
 15 the defendant shall, upon release from any period of custody,
 report to the probation officer within 72 hours

These conditions are in addition to any other conditions imposed by this judgment

RETURN

I have executed the within Judgment and Commitment as follows

Defendant delivered on _____ to _____
 Defendant noted on appeal on _____
 Defendant released on _____
 Mandate issued on _____
 Defendant's appeal determined on _____
 Defendant delivered on _____ to _____
 at _____

the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment

United States Marshal

By _____

Date _____

Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody

Clerk, U S District Court

By _____

Deputy Clerk

October 4, 2004

Filed Date _____



NOTICE PARTY SERVICE LISTCase No. EDCR 04-27 VAP Case Title THOMAS POWELLTitle of Document Judgment & Probation/Commitment Order

<input type="checkbox"/>	Atty Stlmnt Officer
<input type="checkbox"/>	BAP (Bankruptcy Appellate Panel)
<input type="checkbox"/>	Beck, Michael J (Clerk, MDL Panel)
<input type="checkbox"/>	BOP (Bureau of Prisons)
<input type="checkbox"/>	CA St Pub Defender (Calif State PD)
<input type="checkbox"/>	CAAG (California Attorney General's Office - Keith Borjon, L A Death Penalty Coordinator)
<input type="checkbox"/>	Case Asgmt Admin (Case Assignment Administrator)
<input type="checkbox"/>	Catterson, Cathy (9 th Circuit Court of Appeal)
<input type="checkbox"/>	Chief Deputy Admin
<input type="checkbox"/>	Chief Deputy Ops
<input type="checkbox"/>	Clerk of Court
<input type="checkbox"/>	Death Penalty H/ C (Law Clerks)
<input type="checkbox"/>	Dep In Chg E Div
<input type="checkbox"/>	Dep In Chg So Div
<input checked="" type="checkbox"/>	Fiscal Section
<input type="checkbox"/>	Intake Supervisor
<input type="checkbox"/>	Interpreter Section
<input type="checkbox"/>	PIA Clerk - Los Angeles (PIALA)
<input type="checkbox"/>	PIA Clerk - Riverside (PIAED)
<input type="checkbox"/>	PIA Clerk - Santa Ana (PIASA)
<input type="checkbox"/>	PSA - Los Angeles (PSALA)
<input checked="" type="checkbox"/>	PSA - Riverside (PSAED)
<input type="checkbox"/>	PSA - Santa Ana (PSASA)
<input type="checkbox"/>	Schnack, Randall (CJA Supervising Attorney)
<input type="checkbox"/>	Statistics Clerk
<input type="checkbox"/>	Stratton, Maria - Federal Public Defender

<input type="checkbox"/>	US Attorneys Office - Civil Division -L A
<input type="checkbox"/>	US Attorneys Office - Civil Division - S A
<input type="checkbox"/>	US Attorneys Office - Criminal Division -L A
<input type="checkbox"/>	US Attorneys Office - Criminal Division -S A
<input type="checkbox"/>	US Bankruptcy Court
<input type="checkbox"/>	US Marshal Service - Los Angeles (USMLA)
<input checked="" type="checkbox"/>	US Marshal Service - Riverside (USMED)
<input type="checkbox"/>	US Marshal Service - Santa Ana (USMSA)
<input checked="" type="checkbox"/>	US Probation Office (USPO)
<input type="checkbox"/>	US Trustee's Office
<input type="checkbox"/>	Warden, San Quentin State Prison, CA

<input type="checkbox"/>	ADD NEW NOTICE PARTY (if sending by fax, mailing address must also be provided)
Name _____	
Firm _____	
Address (include suite or floor) _____	

*E-mail _____	
*Fax No _____	

*For Civil cases only

<input type="checkbox"/>	JUDGE / MAGISTRATE JUDGE (list below).
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

Initials of Deputy Clerk

